



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE February 3, 2006 LOCAL EFFECTIVE DATE February 17, 2006 APPROX FINAL EFFECTIVE DATE March 10, 2006	CONTACT/PHONE Ryan Hostetter (805) 788-2351	APPLICANT Margaret Fox	FILE NO. DRC2005-00080
SUBJECT Request by Margaret Fox for a Minor Use Permit/Coastal Development Permit to allow the construction of a new single story detached 1,990 square foot art studio/storage area/garage (the parcel has an existing 3,994 square foot single family residence). The project will result in the disturbance of approximately 2,900 square feet of a 39,722 square foot parcel. The proposed project is within the Residential Single Family land use category and is located at 250 Madera St. in the Cabrillo Estates neighborhood of the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit DRC2005-00080 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on December 23, 2005.			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Area	ASSESSOR PARCEL NUMBER 074-483-046	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Setbacks, Height <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone. Residential Accessory Use <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ Fax: (805) 781-1242</small>			

EXISTING USES: Site currently contains one single family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Public Facilities/vacant <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Residential Single Family/residential	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Group, Public Works, Building Division, Regional Water Quality Control Board, CDF, California Coastal Commission, and Mike Wulkan (LOCAC liaison)	
TOPOGRAPHY: Site is nearly level to gently sloping	VEGETATION: Grasses, shrubs, weeds
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Individual septic system Fire Protection: CDF	ACCEPTANCE DATE: December 7, 2005

PLANNING AREA STANDARDS:

Setbacks: Cabrillo Heights has specific setbacks within the Estero Area Plan. Those setbacks are as follows: Front 25', Side 5' and Rear 20'. For detached residential accessory uses the side setback can be 3' and the rear setback is allowed to be 8'. *This project complies with these standards with a side setback at 64', a rear setback at 41' and a front setback of 25'.*

Height: Maximum height for structures in this area is 15 feet as measured from the highest point of the parcel. *This proposed structure complies with this standard with a maximum height of approximately 14 feet 6 inches*

LAND USE ORDINANCE STANDARDS:

Local Coastal Program/Coastal Appealable Area: The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan. The subject project site is also located within an area that is appealable to the California Coastal Commission.

Residential Accessory Use: Detached garages, and workshops (including art studios) are both considered residential accessory uses and are allowed a maximum square footage under the Coastal Zone Land Use Ordinance. The maximum allowed size of a detached garage is 1,000 square feet (unless an adjustment is applied for through a Minor Use Permit). A workshop or studio is allowed a maximum square footage equal to 40% of the floor area of the main residence and can be added to the square footage of the garage. This project proposes a 1,000 square foot detached garage, and a 990 square foot attached art studio (with storage for the studio). The main residence is approximately 3,994 square feet, and 40% of that would allow an art studio of 1,598 square feet (applicant is proposing 990 square feet). *This project complies with these standards.*

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. This is an addition to an existing single family residence and will use the existing utilities/resources. This project is hooked up to the community water system and has on-site septic.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the garage/workshop will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: Recommend approval with conditions. See attached letter dated 12/15/05.

AGENCY REVIEW:

Public Works-Remove improvements from easement area.

CDF – None received as of 12/23/05

Los Osos Community Services District – “No Comment”

California Coastal Commission - None received as of 12/23/05

LEGAL LOT STATUS:)

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. (TR1342)

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Categorical Exemption (Class 3) pursuant to CEQA Guidelines Section 15303 because the project includes the construction of a detached garage/workshop on a parcel with an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the addition does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the addition is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Madera St, a local road constructed to a level able to handle any additional traffic associated with the project

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. a Minor Use Permit/Coastal Development Permit to allow a new single story detached 1,990 square foot art studio/storage area/garage to the existing single family residence. The project will result in the disturbance of approximately 2,900 square feet of a 39,722 square foot parcel.
 - b. a maximum height of 15' (as measured from the highest elevation on the subject parcel).

Conditions required to be completed at the time of application for construction permits

Site Development

2. The applicant shall submit a revised site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
 - a. There shall be no structures located within the 30' storm drain easement including but not limited to stairs, porches, entry ways, and other solid materials. Landscaping within this easement area shall be reviewed and approved by County Public Works.
3. The applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Fire Safety

4. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project.

Services

5. The applicant shall provide a letter from Cal Cities Water stating they are willing and able to service the property.
6. The applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Conditions to be completed prior to issuance of a construction permit

Fees

7. The applicant shall pay all applicable school and public facilities fees.

Conditions to be completed during project construction

Building Height

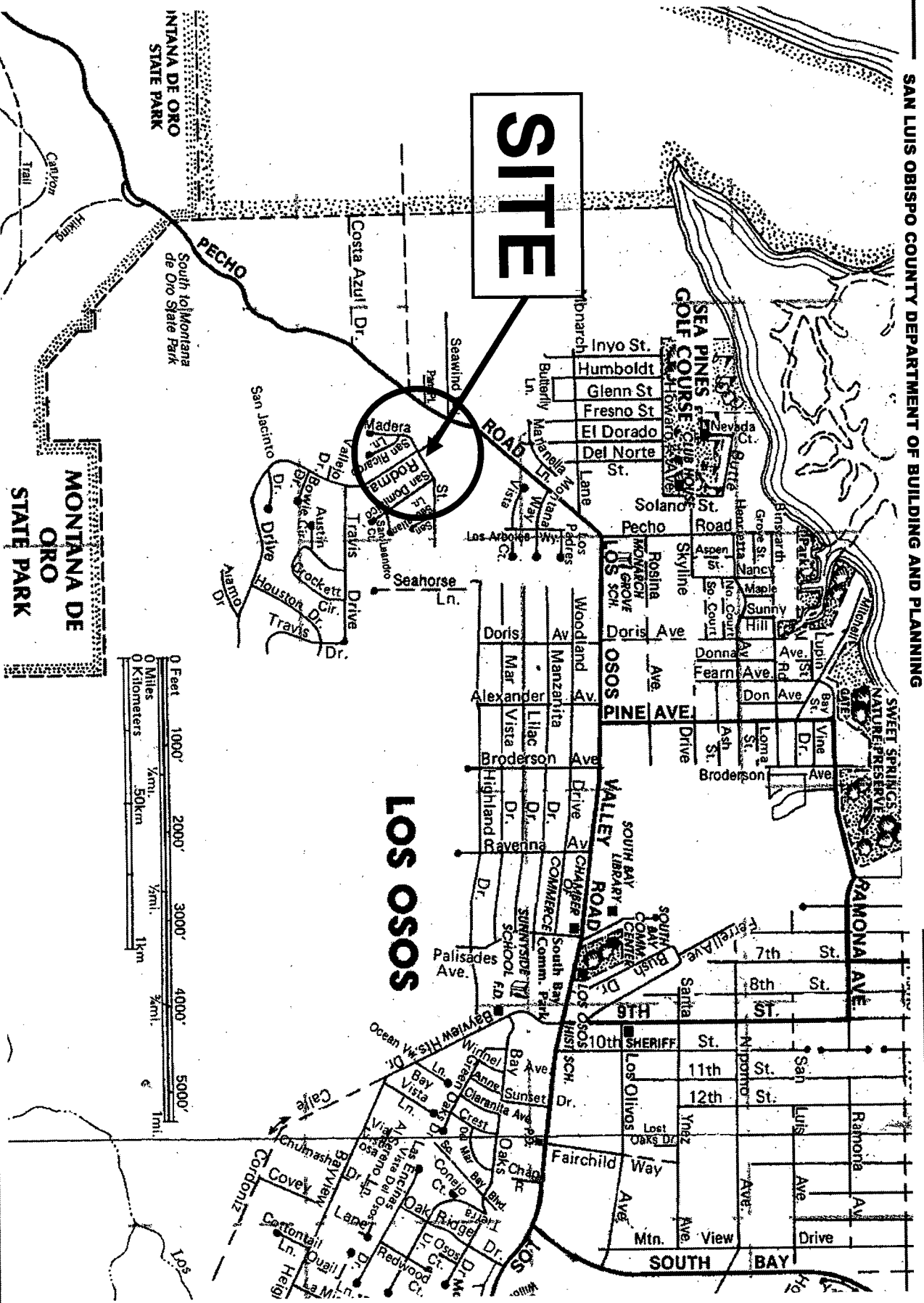
8. The maximum height of the project is 15 feet above the highest elevation on the subject parcel.
 - a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
 - b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
 - c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use (which ever occurs first)

9. The applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
10. The applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going conditions of approval (valid for the life of the project)

11. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
12. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.



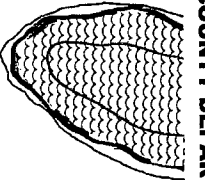
PROJECT

Minor Use Permit
Fox DRC2005-00080



EXHIBIT

Los Osos Vicinity



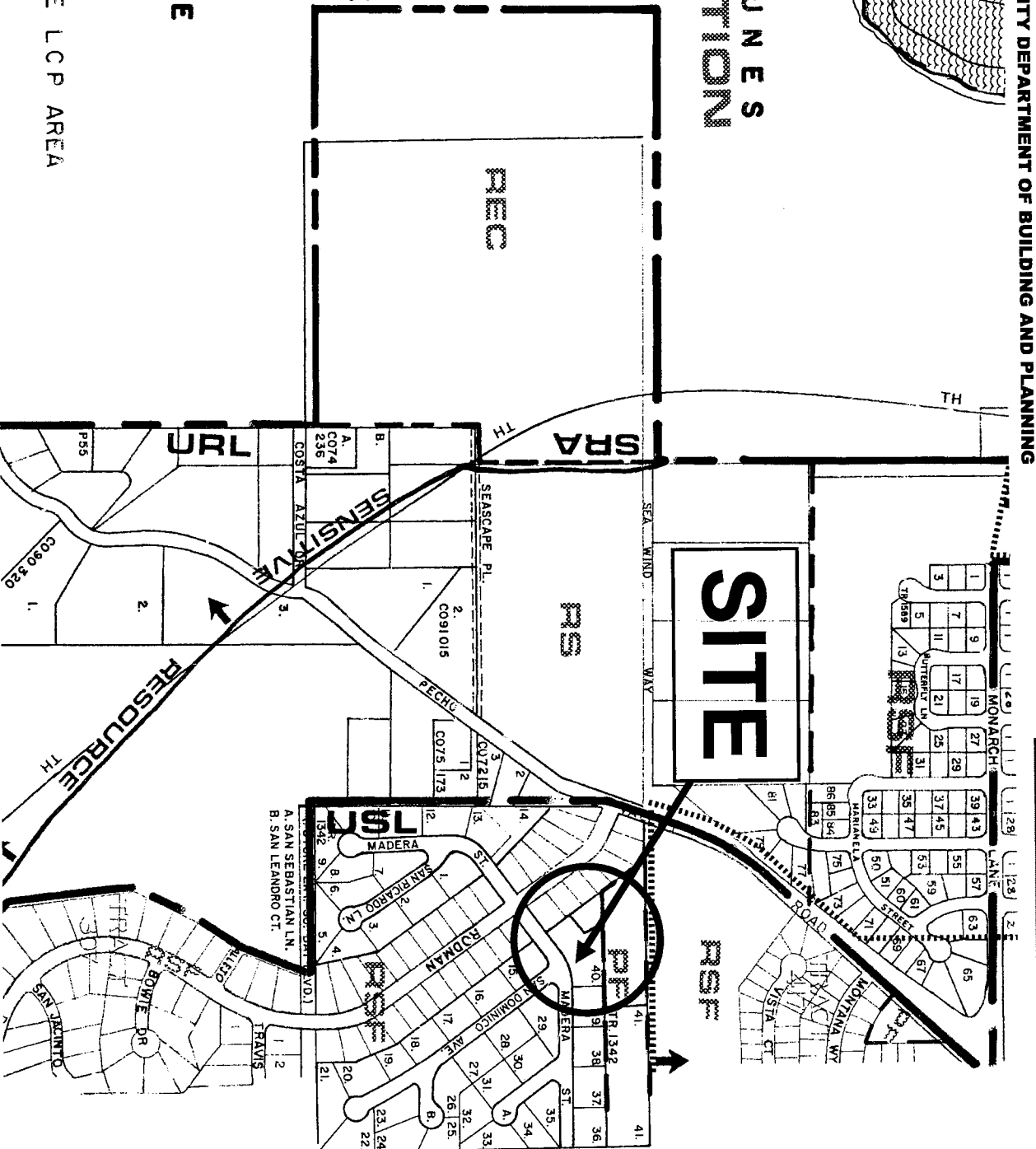
MORRO DUNES RECREATION SRA

STATE

NATURE

RESERVE

RE MAP IS WITHIN THE LCP AREA



PROJECT

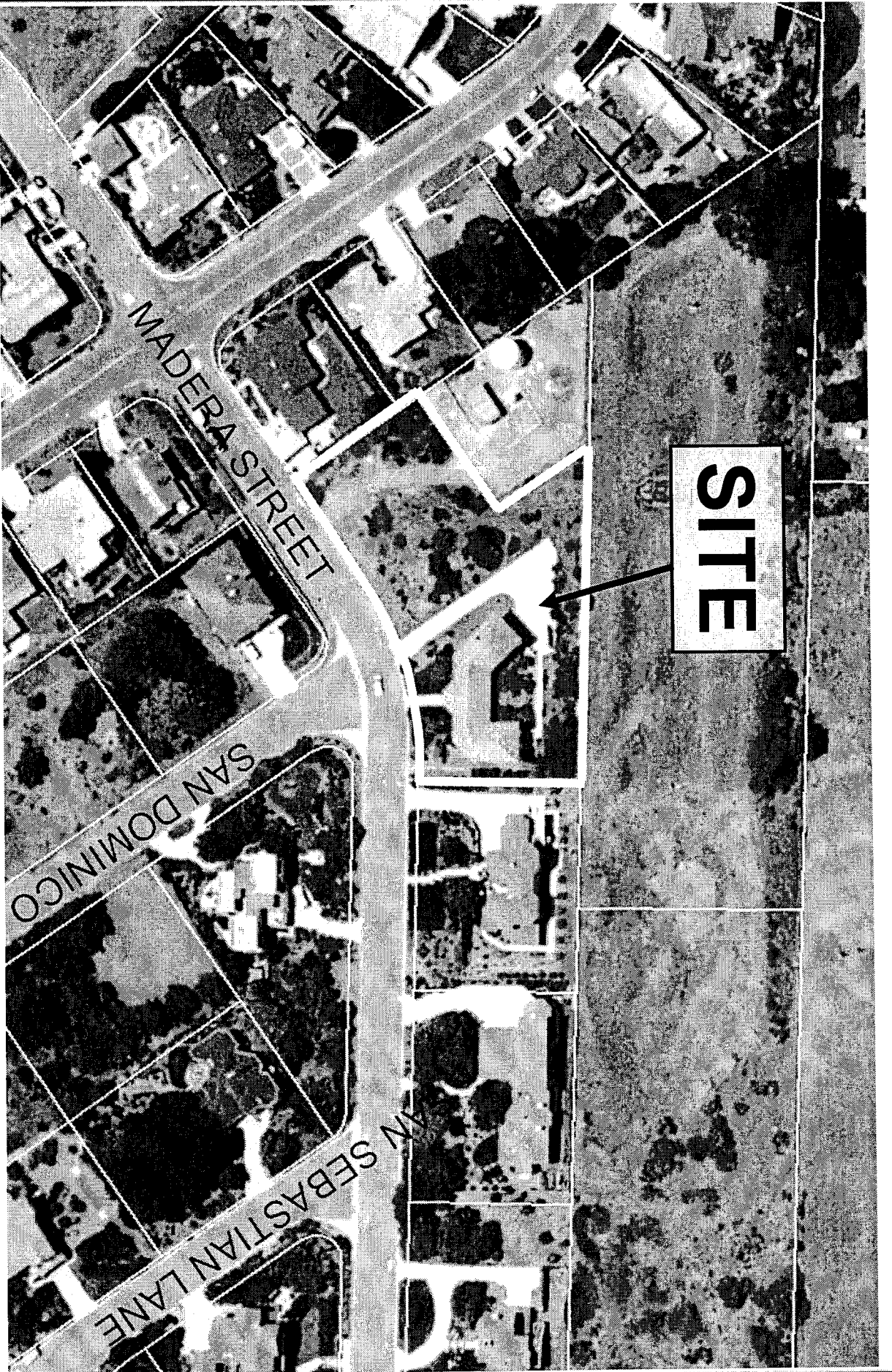
Minor Use Permit

Fox DRC2005-00080



EXHIBIT

Land Use Category



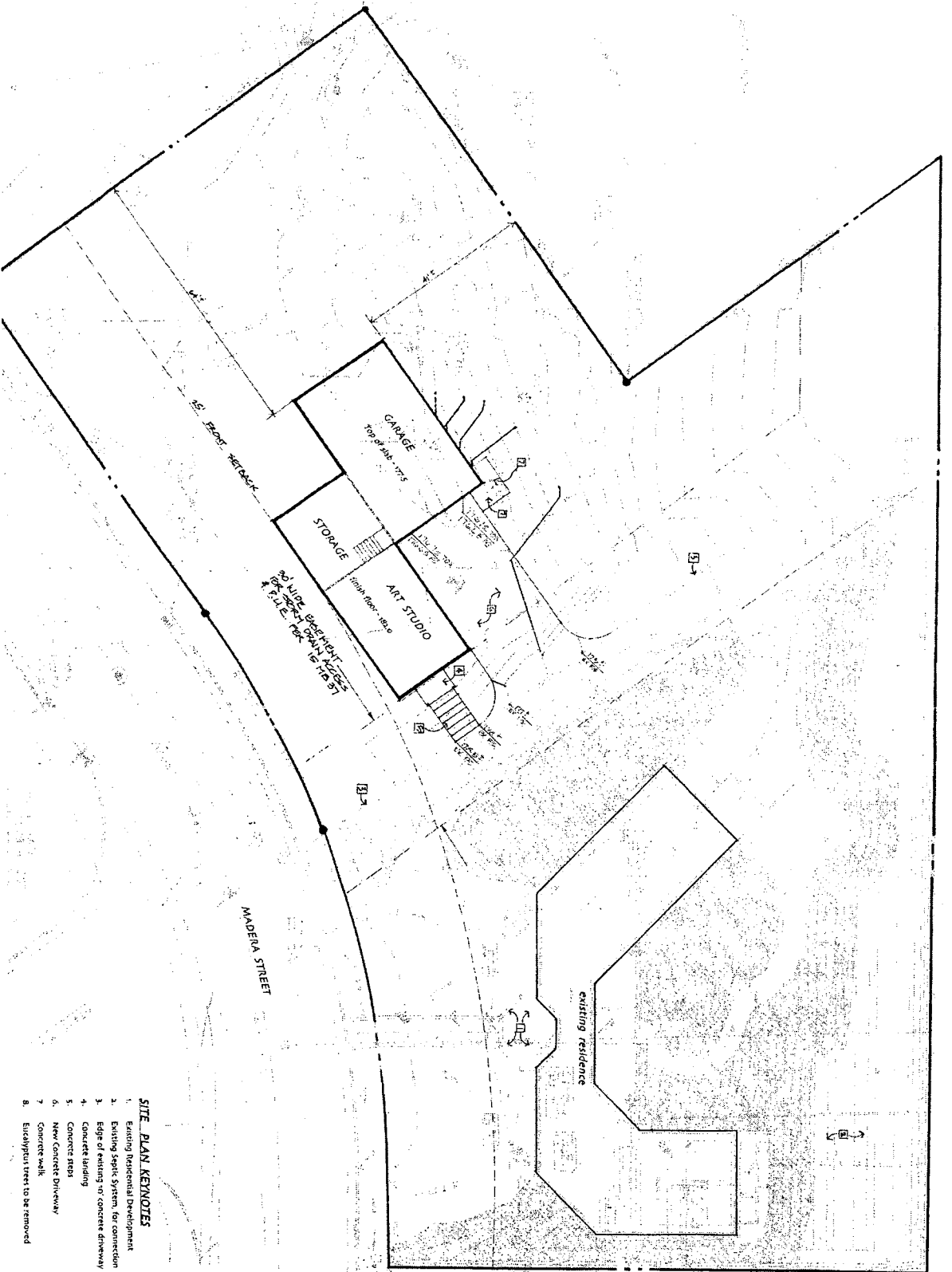
PROJECT

Minor Use Permit
Fox DRC2005-00080



EXHIBIT

Aerial Photo



SITE PLAN KEYNOTES

1. Existing Residential Development
2. Existing Septic System, for connection
3. Edge of existing to concrete driveway
4. Concrete landing
5. Concrete steps
6. New Concrete Driveway
7. Concrete walk
8. Eucalyptus trees to be removed

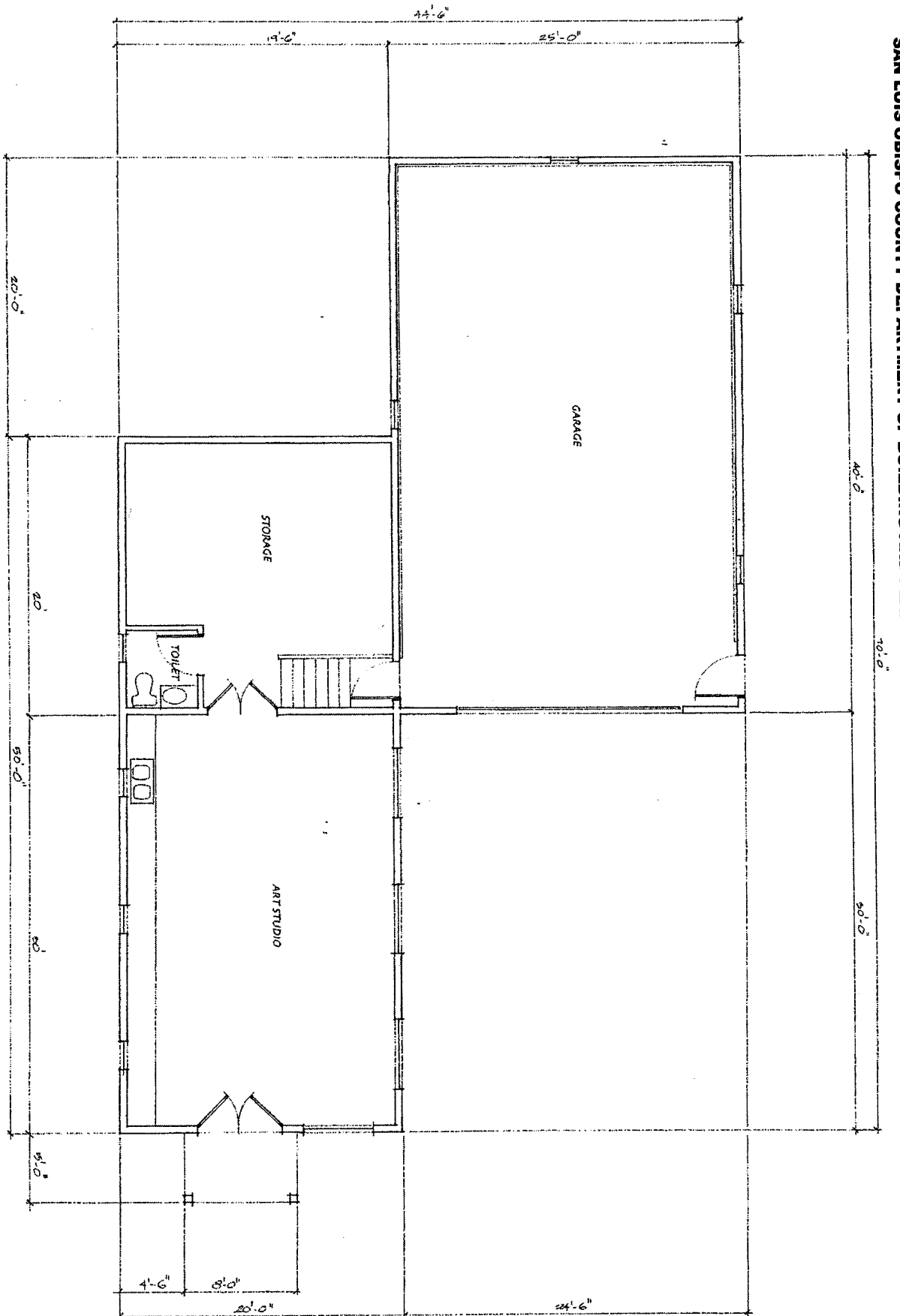
PROJECT

Minor Use Permit
Fox DRC2005-00080



EXHIBIT

Site Plan



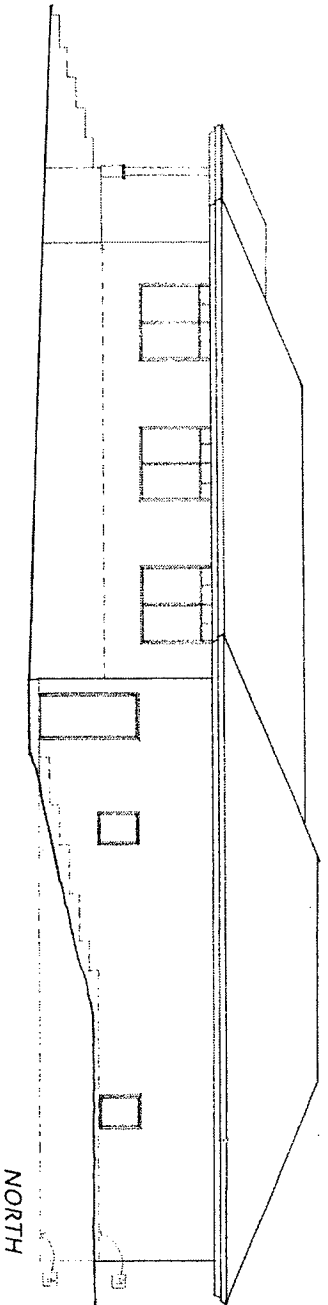
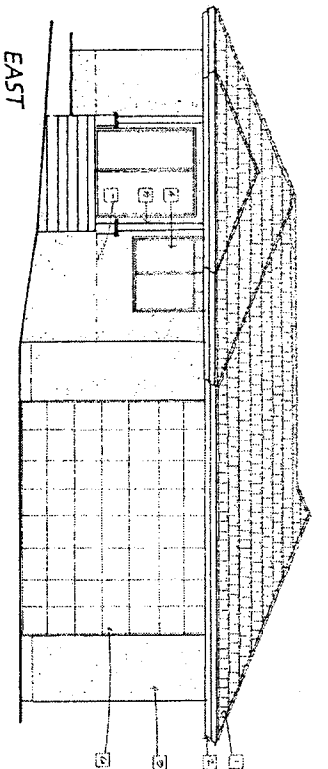
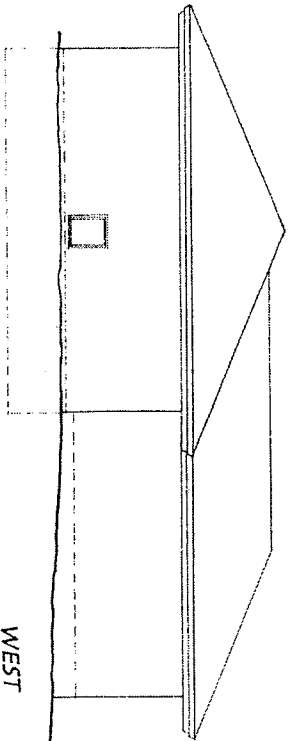
PROJECT

Minor Use Permit
Fox DRC2005-00080

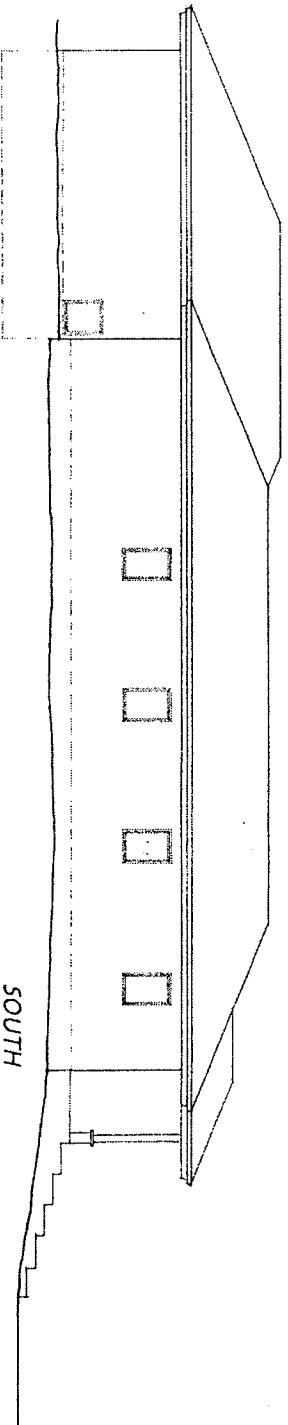


EXHIBIT

Floor Plan



- EXTERIOR ELEVATION KEYNOTES**
1. The roofing - to match existing residence
 2. Wood Fascia with gutter - to match existing residence
 3. Cement Plaster - to match existing residence
 4. Vinyl Windows - to match existing residence
 5. Shaped 6 x 6 posts - to match existing residence
 6. Sectional door - to match existing residence
 7. Line of finish floor
 8. Sill level indicated with dashed line
 9. Line of retaining wall



PROJECT

Minor Use Permit
Fox DRC2005-00080



EXHIBIT

Elevations